IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 1767 of 2006

DATE OF DECISION : 31.08.2006

Balram Singh alias Balla

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Avtar S. Khinda, Advocate,
for the petitioner.

* * *

Petitioner Balram Singh alias Balla has filed this revision petition against the judgment dated 19.8.2006, passed by Addl. Sessions Judge (Adhoc) Fast Track Court, Bathinda, whereby his conviction under Section 324 IPC recorded by Sub Divisional Judicial Magistrate, Phul has been affirmed and the sentence of rigorous imprisonment has been reduced from two years to six months.

2. The petitioner and his co-accused namely Pritpal Singh alias Pirta and Daljit Singh alias Jitu were tried in case FIR no. 5 dated 15.1.1999 registered at Police Station Phul under Section 326/34 IPC. The trial court vide judgment and order dated 10.4.2006 convicted the petitioner under Section 324 IPC and his co-accused were convicted under Section 324/34 IPC; and all the three were sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs. 1,000/-. However, in appeal, the co-accused of the petitioner have been acquitted, whereas conviction of the petitioner has been upheld, but the sentence of rigorous imprisonment has been reduced from two years to six months. Hence, this revision petition.

3. I have heard counsel for the petitioner and gone through the judgments passed by both the Courts below.

4. Counsel for the petitioner contends that the petitioner did not cause any injury to the complainant. Therefore, the prosecution has not been able to prove its case against the petitioner. Counsel further contends that

there are material contradictions and discrepancies in the statements of the prosecution witnesses. I do not find any substance in the contentions of learned counsel for the petitioner. There is specific allegation against the petitioner that he gave a gandasa blow to the complainant, which hit on his left hand on back side of thumb. The contradictions and discrepancies, in the statements of the prosecution witnesses, are minor. The statement of complainant has been corroborated by eye witness Resham Singh. No major contradiction in their statements has been pointed out.

5. In view of the above, I do not find any illegality or infirmity in the impugned judgment, passed by the appellate court. In my opinion, no case for interference is made out.

6. Dismissed.

August 31, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**